

the California Department of Health Services, to ascertain whether four cases of tuberculosis involving a flight attendant and three international passengers might be linked to air quality aboard airplanes.

The only thing I am saying here is, if you are going to do it, let us do it right. I know I am going to be included if tobacco is being included. But I am sitting on that same airplane inhaling germs for tuberculosis, and I have been trying to get quality air. I appreciate the situation you are in but I hope you will appreciate mine also.

Mr. LAUTENBERG. I yield time to the Senator from California.

Mrs. BOXER. I thank the Senator. I will only be 30 seconds, to say to the Senator from Kentucky that I do understand the situation he is in. I will join hands with him in doing more. I sit on the Environment and Public Works Committee, as does Senator LAUTENBERG. As a matter of fact, he is my chairman on one of the subcommittees. We will work together on that in the future. I yield back to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator for those comments. The Senator from California knows full well how different life is when one makes a trip, as she often does, across country and does not have to breathe secondhand smoke.

The Senator from Kentucky is absolutely right. The poor quality air that we experience now in the recirculation of air in aircraft is a subject that many of us are looking at. I, for one, am going to be aggressive in trying to clear this problem up.

But smoke is pervasive. It permeates the air. As a matter of fact, in a study that was done as we considered banning smoking on airplanes, it was affirmed that crew members who themselves did not smoke found traces of tobacco and nicotine in their body fluids days after they had left an airplane and they never smoked themselves.

Madam President, we have exercised this subject. I hope that we will adopt this amendment. I think it is an appropriate vehicle to do so. I also urge the managers of the bill, who will be the conferees, assuming passage of this now, that we will want to hold this in conference and not relinquish it because I will come back again and again.

I think it is disgraceful that people who work for EPA or other departments of Government—Health and Human Services—can work in a smoke-free environment and employees in other departments cannot because the action has not been taken. So we want to make it uniform throughout.

I will tell you this, Madam President, and my friend from Kentucky knows it only too well, whatever we can do to improve the health and well-being of

our citizens, I am for it, even if it means picking up a weapon and exposing some of our young people to war. He and I both served in the same war. We do not always admit it so readily because it was such a long time ago. But the Senator from Kentucky will have use of his own time for comments.

The fact is we do what we can to protect our citizens. This is one way to do it and to continue to focus on the dangers of smoking and focus on the possibility of saving huge sums of money, the possibility of having people enjoy a day's work, get there, be productive, feel good about themselves. There is not anyone I know who, after having a bout with a disease from smoking, whether it is surgery on the throat or the lungs, and so forth, would not say, "I wish I had never done it; it felt good when I was doing it, but I don't want to see my kids do it and I don't want to be in places with other people doing it."

With that I yield back the time. I ask the Senator from Kentucky whether he, too, is ready to conclude? We can have a voice vote on this.

Mr. FORD. Since the Senator from New Jersey has taken his second time, I would like to have a few minutes. As I understand, he has yielded back his time. As soon as I have finished, I will yield back mine.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I understand the emotion. Everybody uses the emotion here—the Browns' and the Smiths' problems and the Fords', whatever—in order to make a point.

The point is that we are banning smoking in all buildings because unless you go to a room that has been ventilated, you cannot smoke. The problem is that the Government, in my opinion, is not going to spend the money to put in proper ventilation; therefore, we are banning smoking.

You eliminate my right as a Senator to have regulations or rules in my own personal office. Something about that, to me, is just not right. We tried previously to say we ought to do the right job, instead of taking it product by product. Back when we banned smoking on airplanes, if we thought the consequences of sharing stale air in airplanes may be more serious than a mere matter of discomfort—headaches, sniffles and nausea—the Federal Centers for Disease Control is currently coordinating an investigation, including one by the California Department of Health Services, to ascertain whether four cases of tuberculosis involving a flight attendant—we have heard a lot here today about protecting flight attendants. We tried then to protect flight attendants under quality air in that airplane. No, it was smoking, the emotion.

So, therefore, we do one thing and let the other go. So all I am trying to do is not proliferate the responsibility

here. Keep it in OSHA and include tobacco. That is fine. I expect it and want it.

But we are saying no, because it is emotional and we are going to lose lives, and passive smoke, and that sort of thing. That is well and good. I understand all of this.

I have not said anything new today that I have not already heard. There are some things that could be said that I have heard that have not been said. But we are going down a path now where we are going to say, yes, we are going to take care of smoking. That is a scalp on our belt. But we are not going to worry about the rest of the indoor smoke. You are going to sit there and think everything is all right, but you wonder when you go home at night why you have a headache, why you are nauseated, why you might have gotten some other disease floating around in the air. And we ought to take care of it.

No, we are splitting it off to EPA and taking it away from OSHA. Then we are going product by product, making it as expensive as we can so we can get another scalp on our belt.

I understand that very well, even though I am accused of, well, he has to do it because he represents Kentucky.

I do not have to do it, but I do it because I believe I am right. But let us do it right and include tobacco. Let us have a ventilation system that is described by OSHA, the agency to which we gave the responsibility, and do it inclusive.

That is not going to happen, and we are going to see other amendments—here comes another amendment right after this one. Maybe they will not let us sell cigarettes in vending machines. We want to charge taxes on military posts. We want to do lots of them because we have them down and are going to kick them.

But I say to you, we stopped smoking on airplanes and we did not take care of the quality of air, and here we are getting ready to stop smoking in Federal buildings and we are taking it away from OSHA, the agency to which we assigned clean air.

There are a lot of folks around here interested in OSHA, not in this Chamber right now, that they do a good job and not proliferate the quality of air.

So, Madam President, I thank my colleagues for their indulgence, and I thank my colleague from New Jersey for his congeniality. Always he is so kind, in joking with me. We get along so well that it makes it uncomfortable to be against him, but in this particular case I have to be. He asked me for a voice vote, and I am perfectly willing to let him have that.

Madam President, I now yield back the remainder of my time.

Mr. MCCONNELL. Madam President, I want to express my strong opposition to the Lautenberg amendment, which

would ban smoking in all Federal workplaces. Although there is some political sentiment to support such a measure, there clearly is insufficient science or logic to justify this extreme action.

Sound public policy decisions rely on gathering and analyzing all the evidence before the appropriate course of action is determined. However, in this case, due to the excitement being generated over one EPA report of questionable reliability, we are considering bypassing the bulk of available evidence to arrive at a predetermined conclusion.

We have a responsibility to avoid this type of policymaking. However, in the case of public smoking, the political bandwagon is already rolling and is gathering momentum. Sadly, those on the bandwagon are ignoring the majority of scientific evidence, the rights of smokers, the realities of indoor air quality, and existing policies involving workplace exposures to airborne pollutants. Although this may be politically convenient to follow this course, we could be wrongly imposing yet another burden on Federal workers.

That this amendment reflects overreaction to the EPA reports can be seen clearly when tobacco smoke is considered from the perspective of the many substances we encounter in daily life. Office workers are routinely exposed to a variety of so-called carcinogens in the workplace, from sources as varied as spray cleaners and tap water. And yet there is no call—from Congress, from EPA, from OSHA or from the public—to eliminate every trace of these products from the workplace. The reason is simple: at the low levels to which we typically are exposed, these so-called carcinogens are not thought to pose a risk to health.

The Occupational Safety and Health Administration [OSHA], which has responsibility over workplace safety, has studied concentrations of carcinogens to determine reasonable exposure limits—or levels below which there is no harm. Under these guidelines, it is acceptable to be exposed to a variety of substances which EPA considers to be carcinogenic, such as chromium, asbestos or benzene, as long as the amounts are not excessive.

For instance, according to OSHA, 5 million fibers of airborne asbestos in an average office building is perfectly acceptable. Therefore, the notion that even one molecule of tobacco smoke in the air is cause for panic is absurd and absolutely inconsistent with existing workplace policies and regulatory practices.

I am concerned that the proponents of this amendment justify the proposal based on EPA's ETS assessment study. Just last week, subcommittees of both the House Agriculture Committee and the House Energy and Commerce Committee held hearings to further probe

the scientific validity of the EPA report. An overriding concern of many of the members and witnesses present at the hearings was that science was manipulated to fit a predetermined policy objective.

Madam President, nothing concerns me more than the idea that our Government would manipulate information for political objectives. This amendment before us today would codify a policy based on unsound evidence and faulty logic, and I urge my colleagues not to approve it.

Mr. HELMS. Here we go again, Madam President. The Senate is again considering an amendment to treat smokers as second-class citizens. The amendment offered by the Senator from New Jersey is more than just a misguided effort to solve a problem that doesn't exist, it is another example of a cheap shot at tobacco farmers in 22 States.

In 1987, the General Services Administration established regulations for the management of smoking in all GSA-controlled facilities, regulations which already prohibit smoking in general office space, and allow designation of smoking areas only when strict conditions can be met to accommodate nonsmoking employees.

In fact, Madam President, many Federal agencies have gone beyond even these strict regulations and have banned smoking altogether or implemented even more restrictive policies. This system, which has been in place for the past 6 years and which already places burdens on Federal employees who choose to smoke, has resulted in no conflicts of which I am aware. There is simply no reason for the Federal Government to further stick its nose into this matter by replacing the current policy with such a drastic regulation.

Madam President, the current GSA system is the most logical available to manage the different preferences of workers because each agency retains the flexibility to set a smoking policy that best fits its staff. There is obviously a difference between a Federal agency that employs 5,000 workers and an office with 10 employees. There is no justification for mandating the same policy for both.

It should be noted that smoking bans do nothing to resolve the larger problem of poor air quality in so many Federal facilities. Everyone knows good and well that smokers are not responsible for so-called sick building syndrome. The Senator from New Jersey could better spend his time and effort finding ways to increase ventilation in these offices instead of repeatedly pointing his finger and blaming a few smokers. Of course, that might not get his name in the paper.

Madam President, Congress should do its best to provide healthy and safe facilities for our Federal workers. How-

ever, Congress should address the real causes of poor air quality rather than kicking the smokers and tobacco farmers of this country in the seat of the pants.

Madam President, the amendment offered by the Senator from New Jersey calls for more unneeded bureaucracy. I hope my colleagues will reject this amendment.

Mr. HARKIN. Madam President, I rise today in strong support of the amendment that has been offered by my colleague from New Jersey, Senator LAUTENBERG. This amendment, which I am pleased to cosponsor, seeks to protect Federal workers and visitors to Federal buildings from deadly secondhand tobacco smoke.

The evidence about the dangers of secondhand smoke is clear. This past January the EPA released a landmark report on the dangers of secondhand cigarette smoke. Each year 3,000 Americans die from lung cancer caused by breathing secondhand cigarette smoke at home, work or elsewhere.

In addition to lung cancer deaths cited by the EPA, there is growing evidence that thousands more die of heart disease that is attributable to secondhand smoke. A study published in the *Journal of the American Medical Association* estimates that 30,000 to 40,000 Americans die each year from heart disease that is linked to secondhand smoke.

The EPA report also makes clear that secondhand smoke is related to thousands of cases of diseases such as bronchitis and pneumonia. It causes more than 200,000 lower respiratory infections and up to 26,000 new cases of asthma every year among children alone.

There are some people who find fault with the EPA report—they claim that the methodology was faulty and that the results are not valid. Madam President, the people who say this are the same people that still maintain that there is not a clear link between smoking and disease. The fact is that secondhand smoke causes death and disease. We have known this for a number of years and the EPA report just put an official government stamp of approval on this fact.

Cigarette smoke is a carcinogen, the same as asbestos, benzene and radon. We try to protect Americans from these carcinogens—it is time we take steps to protect them from secondhand cigarette smoke.

In 1990, Congress passed the Clean Air Act which regulates 189 hazardous air pollutants that are estimated to cause 1,500 deaths per year. It seems to me that if Congress thought it was important to protect Americans from these 189 hazardous air pollutants we should act to protect Americans from one that kills 3,000 people a year.

Madam President, this amendment is not radical—it simply expands the non-smoking policy that is already in place